



Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222
Website: kbml.ky.gov

Summer 2003

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Internet Prescribing – KRS 311.597(1)(e)

The prescribing and dispensing of medications via the Internet has created complex regulatory challenges for state medical boards in protecting the public. Accepted standards of practice must be upheld regardless of means of communication or delivery of health care services. Consumers obtaining prescriptions, medications, and/or medical treatment from Internet web sites without an adequate evaluation by a physician pose an immediate threat to the public health and safety.

In order to adequately protect the public health, safety and welfare, the Board has taken the position that prescribing drugs to individuals the physician has never met based solely on answers to a set of questions, as is common in Internet prescribing, is inappropriate and unprofessional. According to KRS 311.597(1)(e), an electronic on-line or telephonic evaluation by questionnaire is inadequate for the initial evaluation or for the personal follow-up evaluation.

The Board feels a valid physician/patient relationship cannot be established without an initial face-to-face evaluation by a health care professional. Therefore, the Board considers Internet prescribing to be unethical and unprofessional and grounds for disciplinary action.

Report of the June Board Meeting

The second meeting of the year of the full Board was held on June 26, 2003, at its headquarters office in Louisville. Multiple items were considered by the Board at the daylong meeting. A total of 543 applications were considered for licensure in the state. Two hundred ninety-three applicants for licensure were approved for a full and unrestricted license and 198 applications for residency training were approved. Twenty-five applicants were given special consideration resulting in two denials and two being tabled until the September meeting.

Some of the other items considered by the Board included recommendations from its Physician Assistant Advisory Committee and State Council on Athletic Trainers. A report on the current status of the Kentucky Physicians Health Foundation was given by Burns M. Brady,

M.D, Medical Director. Also reports were given on current status of cases in litigation and an update on cases currently under investigation. Other topics discussed included the implementation of on-line renewals for 2004, issuance of three Board opinions on various subjects, consideration of an emeritus license, adopting guidelines in an attempt to promote consistency in issuing Board orders and the utilization of paperless Board meetings.

The next meeting of the full Board is scheduled for September 18, 2003. The Board's Inquiry Panels are scheduled to meet on July 24 and August 28. All meetings begin at 9:30 am and are open to the public.

KBML Web Site Update

The Physician Profile located on the Board's web site at KBML.ky.gov now includes physicians with an inactive license as well as physicians holding a current Kentucky medical license. The profile lists the physicians license number, name, degree, practice address if applicable, status, practice county, area of practice, type of practice, year licensed in Kentucky, medical school, year graduated and any disciplinary actions taken by the Board against the physicians license in the past 10 years.

Board Policy Regarding Required Reporting of Impaired Physicians

Reporting impaired physicians directly to the Kentucky Physicians Health Foundation's Impaired Physicians Program ("the Foundation") is not sufficient to satisfy the statutory reporting requirements. Effective immediately, the Board's policy on this issue is as follows:

If a licensed physician or hospital staff suspects that a physician is impaired - due to chronic alcoholism, chemical dependency or physical/mental disability (ies) - such fact must be report directly to the Kentucky Board of Medical Licensure within ten (10) days of obtaining direct knowledge of the impairment. The report to the Board must be in writing and contain the following information: the name of the physician suspected of being impaired, a detailed account of the facts giving rise to that suspicion, a list of other persons having information regarding the suspected impairment, and the name of the reporting physician/hospital staff.

When the Board receives such a report, it will immediately review the information provided to determine the nature and extent of the suspected violations. If the Board cannot appropriately determine the nature and extent of the suspected violations from the initial report, it may request additional information, by letter or through investigation.

If it appears that the physician has violated specific provisions of the Medical Practice Act, in addition to being impaired, i.e. false prescriptions, conviction, etc., the Board shall initiate an investigation covering all of the suspected violations. The physician shall be notified of this fact and encouraged to contact the Foundation, for assessment and treatment. The completed investigation, including relevant information about the treatment for the impairment, will be presented to an Inquiry Panel for appropriate action.

If it appears that the physician may be impaired, but has not violated other specific sections of the Medical Practice Act, the Board shall contact the physician suspected of being impaired, by certified mail - return receipt requested. The Board will advise the physician that they have been granted a thirty-day grace period in which to contact IPP and to submit to an appropriate evaluation by the Foundation.

The Board will withhold any further action until the expiration of the grace period, unless there is reason to believe that emergency action is required to protect patients and/or the public. Thirty days from the date the physician received the notice, the Board will inquire of the Foundation whether a) the physician has contacted the Foundation; b) the appropriate evaluations have been completed; and/or, c) Board review of the matter is warranted. If the Foundation reports that all necessary steps have been taken and that Board review is not necessary, the Board will consider the matter "properly reported" and not subject to Open Records release. If the physician has failed to contact the Foundation, if the

physician has failed to complete the appropriate evaluations, or the Foundation believes Board review is necessary given the results of the evaluation, the Board will open an investigation based upon the initial report. At the conclusion of that investigation, all relevant information will be presented to an Inquiry Panel for appropriate action.

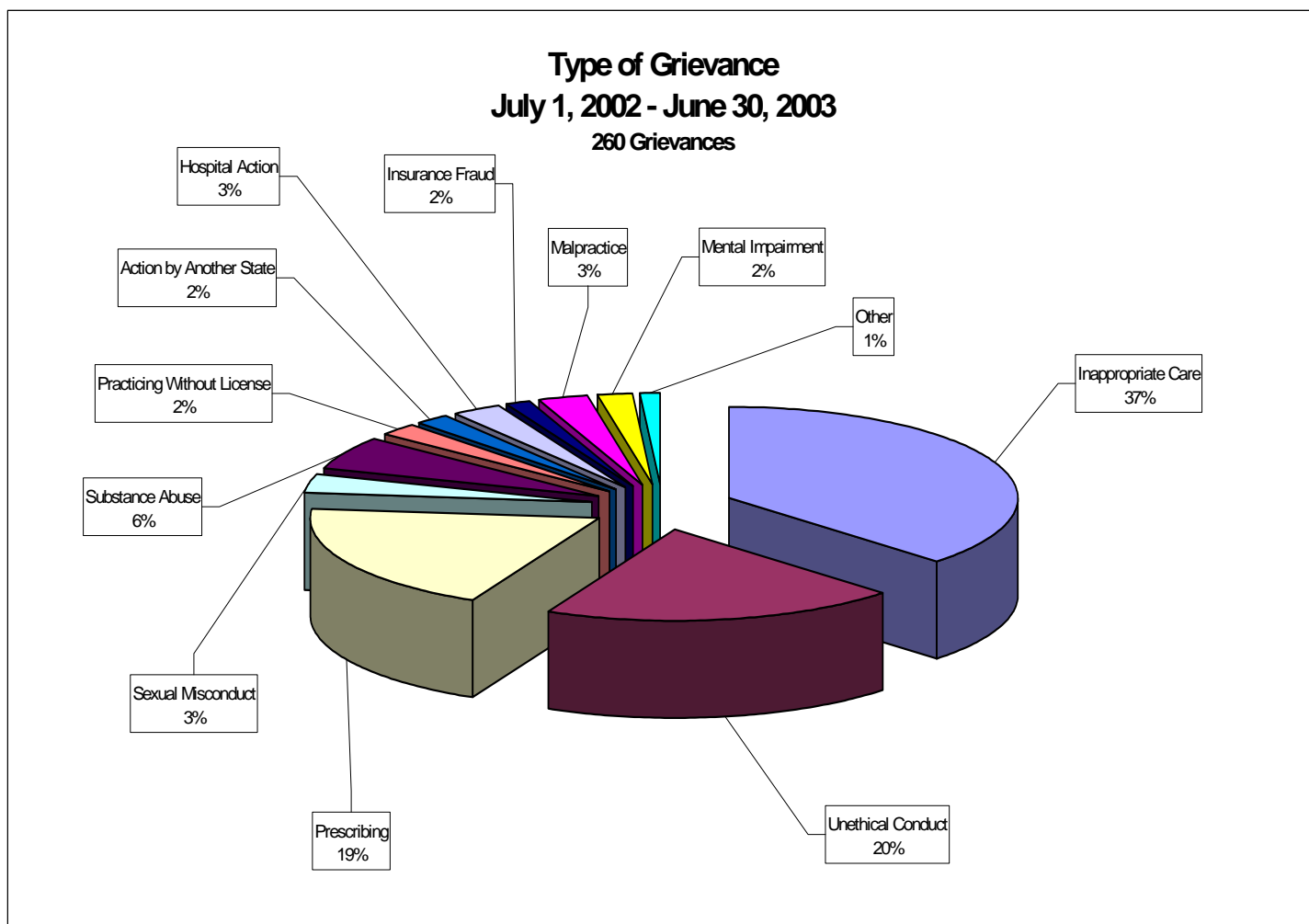
This policy revision makes no change regarding the procedures followed in those instances where an affected individual voluntarily self-reports to the Foundation. The Board adopted this policy on March 27, 2003.

Appreciation

The Board would like to express its appreciation to the dedicated physicians who served as consultants to the Board this past year. Board consultants provide opinions regarding the care rendered by physicians who are the subject of investigations, reviewing patient records and providing recommendations pertaining to compliance with standards of care. Physician consultants are utilized when medical opinions or judgments are required to determine if there is a potential violation of the Medical Practice Act. These physicians receive only minimal compensation for the valuable service they provide. Again, a special thanks to these outstanding physicians.

Types of Grievances

The chart below depicts the type of grievances received in the Board's office against physicians practicing in the state during the past fiscal year 2002 – 2003.



Final Disciplinary Actions

Alfred L. Chatman, M.D., #14935, Jefferson Co.

Amended Agreed Order of Indefinite Restriction entered into 04-24-03.

Frederick Cohn, M.D., #30026, Johnson Co.

Agreed Order of Surrender entered into 05-15-03.

Greta L. Combs, M.D. #22698, Perry Co.

Agreed Order of Surrender entered into 06-23-03.

James H. Cool, Jr., M.D. #16775, Letcher Co.

Order Terminating Probation issued 06-11-03, physician entered into Letter of Agreement.

Remigio T. DeGuzman, M.D. #16349, Floyd Co.

Agreed Order of Indefinite Restriction entered into 06-23-03.

Timothy T. Grosser, M.D., #18989, Mason Co.

Amended Agreed Order of Indefinite Restriction entered 04-24-03.

Julie C. Isham, M.D., #30836, Jefferson Co.

Order Denying Reinstatement issued 06-04-03.

Seth S. Johnston, M.D., #31767, Jefferson Co.

Amended Agreed Order of Probation entered into 05-20-03.

Randall L. McCollister, M.D., #23695, Boyd Co.

Agreed Order of Surrender entered into 06-17-03.

Antolin J. Perez, M.D., #16471, Jefferson Co.

Agreed Order of Indefinite Restriction entered into 05-15-03.

Sergio Pisterman, M.D., #16448, Jefferson Co.

Agreed Order of Surrender entered into 04-24-03.

Rodolfo R. Santos, M.D., #28956, Greenup Co.

Agreed Order of Surrender entered into 04-24-03.

Bruce C. Smith, M.D. #17274, Fulton Co.

Order Denying Requests issued 06-05-03.

Richard C. Turrell, M.D., #10371, Jefferson Co.

Agreed Order of Probation entered into 05-15-03.

Restrictions have been placed on the following physicians' licenses pending resolution of charges brought against the physician.

Wallas N. Bell, M.D., #12807, Henderson Co.

Complaint and Emergency Order of Restriction issued 06-23-03, with restriction effective 06-25-03. Physician must utilize chaperone throughout any personal contact with female patient(s) pending resolution of the Complaint. Additional terms and conditions in order.

Lewis B. Boone, M.D., #29173, Russell Co.

Complaint and Emergency Order of Suspension issued 06-20-03, with suspension effective 06-23-03. Physician's license suspended pending resolution of Complaint. Additional terms and conditions in order.

Don V. Bryson, M.D., #13222, Johnson Co.

Complaint and Emergency Order of Restriction issued 05-07-03, with restriction effective 05-12-03. Physician prohibited from prescribing, dispensing or professionally utilizing controlled substances pending resolution of Complaint. Additional terms and conditions in order.

Adrian N. Collins, M.D., #13222, Greenup Co.

Complaint and Emergency Order of Restriction issued 05-23-03, with restriction effective 05-27-03. Physician prohibited from prescribing, dispensing or professionally utilizing controlled substances pending resolution of Complaint. Additional terms and conditions in order.

W. Rex Duff, M.D., #13338, Greenup Co.

Complaint and Emergency Order of Suspension issued 05-07-03, with suspension effective 05-09-03. Physician prohibited from practicing medicine pending resolution of Complaint.

Juan C. Mejia, M.D., #35414, Cincinnati, OH

Interim Agreed Order entered into 04-24-03. Physician prohibited from prescribing, dispensing or professional utilizing controlled substances pending resolution of Complaint. Additional terms and conditions in order.

Dinesh H. Shah, M.D., #26092, Graves Co.

Complaint filed 05-28-03. Interim Agreed Order entered into 06-13-03. Physician may not perform any endoscopic procedure pending resolution of the Complaint or until further order of Panel.

Action was also taken against the following physician assistant:

Golvin C. Chadwell, P.A.-C, PA418, Speedwell, TN

Agreed Order of Indefinite Restriction entered into 05-15-03.

Kentucky Board of Medical Licensure

Change of Address Notice

Please Note: The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at kbml.ky.gov.

(Please Print or Type Information)

Date: _____

KY License Number: _____

Name: _____
(last) (first) (m.i.)

Mailing Address: _____
(street)

(city) (state) (zip)

KY Practice County: _____ **Office Telephone:** _____

Practice Address: _____
(street)

(city) (state) (zip)

E-Mail Address: _____

Kentucky Board of Medical Licensure

Hurstbourne Office Park
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